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STATE OF WISCONSIN
BEFORE THE BARBERING AND COSMETOLOGY EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY :

PROCEEDINGS AGAINST	FINAL DECISION AND ORDER
HAI JOHN ANH NGUYEN, :	LS9902019BAC
D/B/A FANCY NAILS,	
RESPONDENT.	

Division of Enforcement Case Nos. 96 BAC 180, 97 BAC 041 and 98 BAC 054

The parties to this action for the purposes of section 227.53 of the Wisconsin statutes are:

*Hai John Anh Nguyen
Fancy Nails
2500 Milton Ave.
Janesville, WI 53545*

*Barbering and Cosmetology Examining Board
P.O. Box 8935
Madison, WI 53708-8935*

*Department of Regulation and Licensing
Division of Enforcement
P.O. Box 8935
Madison, WI 53708-8935*

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the Board. The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Hai John Anh Nguyen, 3126 Midvale Dr., Janesville, WI 53545, is duly licensed as manicurist in the state of Wisconsin (license #1869). This license was first granted on March 21, 1995.
2. Fancy Nails, 2500 Milton Ave., Janesville, WI 53545 is duly licensed as a manicuring establishment in Wisconsin (license #574). This license was first granted on October 23, 1995. Hai John Anh Nguyen is listed with the Department of Regulation and Licensing as the owner of Fancy Nails. As owner, Mr. Nguyen was and is at all times relevant to this action responsible for compliance with ch. 454, Stats. and Wisconsin Administrative Code chs. BC 2, 3 and 4.

3. On exact dates unknown, but at least on April 24, 1997, Thanh Van Truong was providing manicuring services and renting a chair at Fancy Nails. At no time relevant to this action did Mr. Truong hold a Wisconsin manicurist license nor an establishment license for the chair he was renting.
4. On exact dates unknown, but at least on April 24, 1997, Phuong Nguyen was providing manicuring services and renting a chair at Fancy Nails. At no time relevant to this action did Mr. Nguyen hold a Wisconsin manicurist license nor an establishment license for the chair he was renting.
5. On exact dates unknown, but at least on April 24, 1997, Trung C. Ngo rented a chair from Hai John Anh Nguyen. At no time relevant to this action did Mr. Ngo hold a manicuring establishment license for the chair he was renting from Mr. Nguyen.
6. On exact dates unknown, but at least on April 24, 1997 and continuing on through May 22, 1997, Lanchi Q. Nguyen rented a chair from Hai John Anh Nguyen. At no time relevant to this action did Ms. Nguyen hold a manicuring establishment license for the chair she was renting from Mr. Nguyen.
7. On exact dates unknown, but at least on April 24, 1997 and continuing on through May 22, 1997, Ngoc T. Cao rented a chair from Hai John Anh Nguyen. At no time relevant to this action did Ms. Cao hold a manicuring establishment license for the chair she was renting from Mr. Nguyen.
8. On exact dates unknown, but at least on April 24, 1997 and continuing on through May 22, 1997, Tuan A. Nguyen rented a chair from Hai John Anh Nguyen. At no time relevant to this action did Mr. Nguyen hold a manicuring establishment license for the chair he was renting from Hai John Anh Nguyen.
9. On exact dates unknown, but at least on April 24, 1997, Fancy Nails did not have poisonous substances locked in a cabinet or closet away from public access.
10. On exact dates unknown, but at least on February 6, 1998, Xuyen Thikim Do was providing manicuring services and renting a chair at Fancy Nails. At no time relevant to this action did Mr. Do hold a Wisconsin manicurist license nor an establishment license for the chair he was renting.
11. On exact dates unknown, but at least on February 6, 1998, Fancy Nails did not possess a disinfectant registered as a tuberculodical agent.
12. On exact dates unknown, but at least on April 24, 1997 and February 6, 1998, Fancy Nails did not disinfect or sterilize reusable manicure instruments prior to use on patrons.
13. On exact dates unknown, but at least on February 6, 1998 and continuing on through February 19, 1998, Hung P. Pham was renting a chair at Fancy Nails. At no time relevant to this action did Mr. Pham hold a manicuring establishment license for the chair he was renting.
14. In resolution of this matter, Mr. Nguyen consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

By the conduct referred to in ¶¶ 3-13, above, Hai John Anh Nguyen, d/b/a Fancy Nails, violated sec. and 454.15(2)(i), Stats. and Wis. Admin. Code §§ BC 2.04, BC 2.06 and BC 4.10.

ORDER

NOW, THEREFORE, **IT IS HEREBY ORDERED** that Hai John Anh Nguyen, d/b/a Fancy Nails shall pay to the Department of Regulation and Licensing a forfeiture of ONE THOUSAND dollars (\$1000.00). Payment shall be submitted as follows:

\$500.00 due on or before February 15, 1999; and

\$500.00 due on or before May 15, 1999.

Payments shall be made by **certified check or money order**, payable to the Wisconsin Department of Regulation and Licensing and sent to:

Department Monitor

Division of Enforcement

PO Box 8935

IT IS FURTHER ORDERED that in the event Hai John Anh Nguyen fails to timely submit payment of the forfeiture as set forth above, the establishment license of Fancy Nails (#574) **SHALL BE SUSPENDED**, without further notice or hearing, until Respondents have complied with the terms of this Order.

This Order shall become effective upon the date of its signing.

BARBERING AND COSMETOLOGY EXAMINING BOARD

By: James Fahey

A member of the Board

February 1, 1999

Date